

A. JOSEPH TANDET
 ATTORNEY AT LAW
 488 MADISON AVENUE, SUITE 1100
 NEW YORK, NEW YORK 10022
 —
 TEL (212) 486-9494
 FAX (212) 486-0701

USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #: 7-31-08
 DATE FILED: 7-31-08

July 28, 2008

Via Facsimile

Honorable Laura Taylor Swain
 United States District Judge
 500 Pearl Street
 New York, NY 10007

Re: Marie Rupert vs. D&R Transport, Et al. 07 CIV 5788 (LTS)

Honorable Justice Swain,

I am the attorney for the Plaintiff Marie Rupert in the above matter. I was directed to appear by telephone, with you having granted permission at the conference that was held in the above-captioned action, July 25, 2008.

You were kind enough to extend permission to me to be available by telephone, and not be present in the courtroom. In spite of your permission, I was unable to appear in your courtroom, or to even be in my office to be available by telephone on July 25, 2008.

Regretfully, I suffer from a blood disorder called Myelodysplastic Syndrome. As a result my movements are restricted. I "passed out" on July 25, and it was impossible for me to be available by telephone or in your courtroom. I subsequently returned your telephone call, as did my daughter, Danielle. I also had informed Sarah, your law clerk, that I believe my client Marie Rupert's case, had been settled the previous day. You then issued an order, dated July 25, 2008, and signed by you, directing that I produce automatic disclosure materials to Defendant's counsel, required by Federal R. Civil P. 26(a)(1), no later than August 8, 2008.

I will do my best to comply with your Order to produce automatic disclosure materials no later than August 8, 2008, but I beg your indulgence and request that you extend the time for me to produce these documents until August 15, 2008.

Again, I apologize for my non-appearance before your Honor on July 25, and request you extend my time to produce the documents to August 15, 2008.

Thank you.

Application Denied

SO ORDERED

Respectfully submitted,

A. Joseph Tandet
 A. Joseph Tandet

US DJ

7/30/08

Part I

A. JOSEPH TANDET, ESQ.

Attorney-at-Law

488 Madison Ave.

New York, New York 10022

Tel. (212) 486-9494

FAX: (212) 486-0701

Pages: 4 (Including cover sheet)

TO: Honorable Laura Taylor Swain

FAX: (212) 805-0417
0426-FROM: **A. JOSEPH TANDET, ESQ.**RE: Rupert vs. D&R Transport, et al., 07CV5788(LTS)(KNF)

DATE: July 28, 2008

Respectfully submitted.
A. Joseph Tandet

This message is intended only for the use of the individual or entity to which is addressed, and may contain information as privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us either via facsimile transmission or the U.S. Postal Service. Thank you.